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General and complete disarmament

Nuclear disarmament

Follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*

Reducing nuclear danger

Report of the Secretary-General

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* A/62/150.



I. Introduction

1. The present report is submitted pursuant to requests contained in resolutions 61/78, 61/83 and 61/85.
2. In paragraph 22 of its resolution 61/78, the General Assembly requested the Secretary-General to submit to it, at its sixty-second session, a report on the implementation of the resolution.
3. In paragraph 3 of its resolution 61/83, the General Assembly requested all States to inform the Secretary-General of the efforts and measures they had taken on the implementation of the resolution and nuclear disarmament, and requested the Secretary-General to apprise the General Assembly of that information at its sixty-second session.
4. In paragraph 5 of its resolution 61/85, the General Assembly requested the Secretary-General to intensify efforts and support initiatives that would contribute towards the full implementation of the seven recommendations identified by the Advisory Board on Disarmament Matters (see A/56/400) that would significantly reduce the risk of nuclear war and to continue to encourage Member States to endeavour to create conditions that would allow the emergence of an international consensus in favour of holding an international conference, as proposed in the United Nations Millennium Declaration, to identify ways of eliminating nuclear dangers, and to report thereon to the General Assembly at its sixty-second session.

II. Observations

5. International efforts to address the threats posed by nuclear weapons have long embodied two basic approaches that are often pursued together: disarmament, aiming at the elimination of such weapons, and arms control, involving various measures to reduce their risks. General Assembly resolutions 61/78 and 61/83 specifically focus on the goal of elimination, while Assembly resolution 61/85 reflects many of the traditional priorities of nuclear arms control.
6. While acknowledging the interrelationship between disarmament and non-proliferation, General Assembly resolution 61/78 contains a list of specific steps needed to achieve nuclear disarmament, including establishing new nuclear-weapon-free zones; diminishing the role of nuclear weapons in security policies; halting qualitative improvements; de-alerting; developing legally binding nuclear security assurances to non-nuclear-weapon States; commencing negotiations on deep reductions of nuclear arsenals; underlining the principle of irreversibility; reducing non-strategic nuclear weapons; negotiating a fissile material treaty with verification and calling for the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty; negotiating in the Conference on Disarmament on nuclear disarmament; and calling for an international conference on nuclear disarmament and the effective implementation of the 13 steps for nuclear disarmament agreed at the 2000 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.
7. In recent years, the world has witnessed progress in some areas. According to some assessments, the total number of nuclear weapons existing today — reportedly around 27,000 — is at its lowest level in four decades. Many weapons are

reportedly being moved from operational to reserve status. Talks are under way on reductions to follow the expiration in 2009 of the Strategic Arms Reduction Treaty between the Russian Federation and the United States. The nuclear-weapon States are maintaining their voluntary moratoria on nuclear tests and there has been only one such test — by a non-nuclear-weapon State — since 1998. Some nuclear-weapon States have closed their nuclear test sites. The nuclear-weapon States have reportedly stopped producing fissile material for use in weapons. Some of these States have announced the retirement of certain categories of strategic and non-strategic nuclear weapons.

8. Yet many challenges remain, especially with respect to transparency, irreversibility and verification of stocks of nuclear weapons and their reductions. The precise number of nuclear weapons or quantities of fissile material in weapons programmes remains undisclosed and falls short of expectations for deeper reductions. Past reductions have only been declared but not independently verified. States that possess nuclear weapons are still developing delivery vehicles and, in some cases, also improving their warheads or increasing their reliability over extended periods. Such States continue to consider such weapons as essential or vital to their security. There has been very little progress, and some setbacks, in implementing the 13 steps for nuclear disarmament adopted at the 2000 Non-Proliferation Treaty Review Conference. The Comprehensive Nuclear-Test-Ban Treaty is still not in force. Having celebrated the tenth anniversary of its opening for signature in September 2006, the Treaty has now been signed by 177 States, with 138 having ratified it. The fifth Conference on Facilitating the Entry into Force of the Treaty will be convened on 17 and 18 September 2007 in Vienna by the Secretary-General in his capacity as depositary of the Treaty, at the request of the majority of States that have ratified the Treaty. The Conference is aimed at promoting further signatures and ratification in order to enable the early entry into force of the Treaty. Persistent efforts to end the chronic stalemate in the Conference on Disarmament have yet to bear fruit, though its deliberations have shown new degrees of intensity and focus and that much common ground does exist in that body. In his message to the Conference on 22 January, the Secretary-General stressed that the expansion of nuclear arsenals must be prevented and the reduction of existing nuclear weapons be accelerated. He further underlined that agreement on a treaty on fissile material for the use in nuclear weapons or other nuclear devices would be a prerequisite for sustainable nuclear disarmament.

9. Proliferation threats persist. Three States have announced their acquisition of nuclear weapons since May 1998. The Non-Proliferation Treaty still falls short of universal membership and several States parties have not yet concluded their safeguards agreements required under the Non-Proliferation Treaty, nor adopted the Additional Protocol. Diplomatic efforts are continuing to achieve the full compliance of the Islamic Republic of Iran with Security Council resolutions 1737 (2006) and 1747 (2007). The international community has welcomed the decisions this year by the Democratic People's Republic of Korea to shut down several nuclear facilities and to allow the return of International Atomic Energy Agency inspectors, as additional efforts are under way in the six-party talks to implement fully the terms of the joint statement of 19 September 2005 and the agreement of 13 February 2007. The first session of the Preparatory Committee for the 2010 Non-Proliferation Treaty Review Conference was held in Vienna from 30 April to 11 May 2007. Despite a delay in the adoption of the agenda at the first session, the

Preparatory Committee made an encouraging start to the review cycle for the 2010 Non-Proliferation Treaty Review Conference. In his message at the opening of the session the Secretary-General characterized the current situation as a persisting crisis of confidence in the Treaty. He stressed that the Treaty was worth reinforcing, stating that it had done far more than create a norm for nuclear non-proliferation. It commits the nuclear-weapon States to disarmament, while reaffirming the inalienable right to the peaceful uses of nuclear energy, consistent with other treaty obligations. Despite proliferation concerns, the vast majority of States are not seeking such weapons and the international community is pursuing instead their total elimination.

10. There is growing concern about the possible acquisition of weapons of mass destruction, including nuclear weapons by non-State actors, a primary focus of Security Council resolution 1540 (2004) and resolution 1673 (2006). Through its programme of work, the 1540 Committee has continued its efforts to promote implementation of those resolutions. Furthermore, the United Nations launched its Global Counter-Terrorism Strategy in September 2006, while the International Convention for the Suppression of Acts of Nuclear Terrorism, adopted by the General Assembly in its resolution 59/290, entered into force on 7 July 2007.

11. As stated above, despite progress, challenges in disarmament and non-proliferation remain. The Secretary-General has promoted efforts to reduce nuclear dangers in several messages and statements before bodies of the United Nations disarmament machinery, such as the Conference on Disarmament, the Disarmament Commission and the first session of the Preparatory Committee for the 2010 Non-Proliferation Treaty Review Conference. He further demonstrated his personal commitment by proposing to revitalize the disarmament and non-proliferation agenda through the establishment of the Office for Disarmament Affairs led by a High Representative for Disarmament Affairs.

III. Information received from Governments

12. As regards General Assembly resolution 61/83, all Member States were invited, via a note verbale dated 16 February 2007, to inform the Secretary-General of the efforts and measures they had taken with regard to the implementation of the resolution. To date, replies have been received from Chile, Cuba, Lebanon and Mexico, the texts of which are reproduced below. Additional replies received from Member States will be issued as addenda to the present report.

Chile

[Original: Spanish]
[13 June 2007]

1. Chile welcomed the advisory opinion of the International Court of Justice issued in 1996 which gave an interpretation of article VI of the Treaty on the Non-Proliferation of Nuclear Weapons regarding the obligation to negotiate in good faith on complete nuclear disarmament.
2. Although the 1995 Review Conference achieved the indefinite extension of the Treaty, Chile, together with the majority of countries that are not nuclear Powers,

considers that this extension can in no way be interpreted as legitimizing indefinite possession of this type of weapon by the nuclear Powers. On the contrary, it considers that the central objective of the Non-Proliferation Treaty is precisely their elimination.

3. The negotiations provided for in this article are required of both nuclear-weapon States and non-nuclear-weapon States which may suffer the consequences of their use. Our country once again reiterated this view during the 2005 Review Conference.

Cuba

[Original: Spanish]

[16 May 2007]

1. Cuba notes with great concern that although this year marks the eleventh anniversary of the historic 8 July 1996 advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*, humankind still lives under the threat of destruction by an immense arsenal of nuclear weapons.

2. The prospects remain discouraging. A few nuclear-weapon States still refuse to renounce the use of nuclear weapons as part of their military doctrines. And, worse yet, the authorities of one of them, the United States of America, has stated that it may use them even against non-nuclear-weapon States in response to attacks using non-nuclear weapons.

3. This lack of progress means that the views that the Government of the Republic of Cuba conveyed to the Secretary-General of the United Nations pursuant to resolution 60/76, published in the report of the Secretary-General of 10 July 2006 (A/61/127), remain entirely valid.

4. Nevertheless, Cuba wishes to reiterate that the use of nuclear weapons is completely immoral and cannot be justified by any concept or doctrine of security. It is indeed shameful that nuclear weapons still exist and that new and more sophisticated ones, which pose a serious threat to all humanity, continue to be developed.

5. Cuba stresses that the use of nuclear weapons would have catastrophic consequences for all known forms of life on Earth. Their use would, moreover, constitute a flagrant violation of international standards on the prevention of genocide. Not only should the international community not forget the objective of the total elimination of nuclear weapons and the creation of a world free of such lethal weapons but it should also insist on compliance with the commitment to achieve it.

6. Notwithstanding the proclaimed end of the cold war, there are some 27,000 nuclear weapons in the world, over 12,000 of which are ready for immediate use. Nuclear weapons upgrading programmes have not been halted.

7. For non-nuclear-weapon States that are also parties to the Treaty on the Non-Proliferation of Nuclear Weapons, this situation gives cause for serious concern. They are being threatened with the use of nuclear weapons in flagrant violation of the assurances given by the nuclear Powers at the time of the 1995 Review and Extension Conference of the Parties to the Treaty.

8. The nuclear-weapon States have a legal obligation not only to pursue, but also to bring to a conclusion negotiations leading to complete nuclear disarmament under strict and effective international verification.

9. Furthermore, some of the nuclear Powers hypocritically limit the nuclear problem to the issue of non-proliferation, to the detriment of nuclear disarmament, while they themselves are updating their nuclear arsenals in what amounts to vertical proliferation.

10. Cuba reiterates that nuclear non-proliferation, while important, is not an end in itself but rather a means of achieving the ultimate, supreme goal of the total elimination of nuclear weapons. It also stresses that the total elimination of such weapons is the only sure way to avoiding disaster as a result of their use. The current nuclear weapons, which are thousands of times more powerful than the bombs that the United States of America used against the Japanese cities of Hiroshima and Nagasaki, would cause destruction and genocide immensely greater than those of 1945.

11. The international community's multilateral mechanisms and instruments for addressing issues related to disarmament and arms control are being prevented from achieving their goals. This is shown by the failure of the 2005 World Summit, where a lack of consensus meant that the Outcome Document could not include a reference to disarmament; the failure of the 2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons; and the continued inability of the Conference on Disarmament to open urgent negotiations on a phased disarmament programme for the complete elimination of nuclear weapons.

12. In September 2006, Cuba had the honour of presiding over the Fourteenth Summit Conference of Heads of State or Government of Non-Aligned Countries, held in Havana, at which political leaders confirmed that nuclear disarmament is a top priority with respect to disarmament and arms control and reaffirmed the importance of the unanimous conclusion of the International Court of Justice that there exists an obligation to pursue in good faith and to bring to a conclusion negotiations leading to nuclear disarmament in all its aspects under strict and effective international control.

13. Cuba is a State party to the Non-Proliferation Treaty and to the international treaties on chemical and biological weapons. In the United Nations General Assembly, Cuba supports resolutions that advocate the total elimination of nuclear weapons, such as resolution 61/78 on nuclear disarmament and resolution 61/97 on the Convention on the Prohibition of the Use of Nuclear Weapons.

14. As a member of the Conference on Disarmament, Cuba is also in favour of giving priority to commencing negotiations on a phased programme for the complete elimination of nuclear weapons and has been among the sponsors of concrete initiatives developed by the Group of 21 for that purpose. This position in favour of nuclear disarmament extends to Cuba's participation in the United Nations Disarmament Commission, where it has joined the other countries members of the Non-Aligned Movement during the latter's 2007 meetings in proposing a set of recommendations aimed at achieving nuclear disarmament.

15. Specifically, the recommendations submitted to the United Nations Disarmament Commission also show how the members of the Non-Aligned

Movement, including Cuba, are acting in a manner consistent with the aims and purposes of General Assembly resolution 61/83.

Lebanon

[Original: Arabic]

[1 May 2007]

With reference to the aforementioned issue, the Ministry of National Defence points out that by letter dated 5 July 2003 concerning resolution 57/85 on follow-up to the advisory opinion of the International Court of Justice on the *Legality of the Threat or Use of Nuclear Weapons*. Lebanon reaffirms that it abides by United Nations resolutions on that subject, does not possess weapons of mass destruction and is opposed to the threat or use of such weapons.

Mexico

[Original: Spanish]

[3 April 2007]

1. Mexico believes that the advisory opinion of the International Court of Justice on the legality of the threat or use of nuclear weapons is historic because it reaffirms the existence of a legal obligation of States parties to pursue negotiations in good faith leading to nuclear disarmament in all its aspects.
2. Almost 11 years after this opinion was issued, Mexico considers that it remains fully in force, and calls attention to the grave danger that nuclear weapons represent, reiterating that their use is prohibited inasmuch as it is a violation of international law applicable to armed conflict and of the principles and norms of international humanitarian law.
3. In the light of the advisory opinion of the International Court of Justice, it can be stated that nuclear weapons are inhumane and put the survival of humanity at risk; their total elimination is therefore a matter of urgency since their very existence endangers international peace and security.
4. Mexico is taking action for the elimination of nuclear weapons. At the sixty-first session of the United Nations General Assembly, it sponsored a resolution with this goal together with the New Agenda group (Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and Switzerland) which was adopted by a majority of Member States. Furthermore, together with Australia and New Zealand, it proposed the adoption of a resolution on the Comprehensive Nuclear-Test-Ban Treaty as well as a resolution on "United Nations study on disarmament education and non-proliferation", the "United Nations Disarmament Information Programme", and a decision on the "United Nations conference to determine appropriate means of eliminating nuclear dangers in the context of nuclear disarmament".
5. It also supported agreements in the Conference on Disarmament to examine the topic of nuclear disarmament and prevention of nuclear war. Mexico participated in the Ministerial Meeting held in New York on 20 September 2006 to promote the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty.

6. On 11, 12 and 13 October 2006, Mexico held a "Seminar to Promote the Ratification of the Comprehensive Nuclear-Test-Ban Treaty in the Caribbean Region" in Mexico City in coordination with the Canadian Government and with the assistance of the Provisional Technical Secretariat of the Comprehensive Nuclear-Test-Ban Treaty Organization. The representatives of 19 States in the region participating in the event stressed the need to conclude a subregional technical cooperation agreement for Central America, the Caribbean, Canada, Colombia, Mexico and Venezuela in order to promote national capacities for the full implementation of the Comprehensive Nuclear-Test-Ban Treaty and increase cooperation between the Provisional Technical Secretariat and the region.

7. The States parties will soon embark on the preparatory process for the 2010 Review Conference of the Treaty on the Non-Proliferation of Nuclear Weapons, and in this context will also review the compliance with the legal obligation of nuclear disarmament recognized by the Court, as noted in the final document of the 2000 Review Conference (see NPT/CONF.2000/28 (Part I)). The participating countries should encourage States to submit reports on the fulfilment of the goal of nuclear disarmament, and hence on the implementation of the unanimous conclusion of the International Court of Justice in favour of the concluding of a legal instrument which would totally and effectively prohibit nuclear weapons.

8. Mexico is concerned at the insistence on maintaining the nuclear option as an element of deterrence in the strategic doctrines and national security policies of some countries and considers that such a position is equivalent to the threat of their use, inasmuch as deterrence, in order to be effective, has its basis in the credible possibility of use of such weapons. In this context it is also urgent to promote through a legally binding instrument the granting of security assurances to non-nuclear-weapon States in order to prevent the possible use or threat of use of nuclear weapons against such States.